



P.O. Box 4186
San Rafael
California 94913-4186

Phone: 415/499-6570
Fax: 415/499-3799

www.marintraffic.org

Belvedere
Jerry Butler

Corte Madera
Melissa Gill

Fairfax
Lew Tremaine

Larkspur
Joan Lundstrom

Mill Valley
Dick Swanson

Novato
Pat Eklund

Ross
Jeanne Barr

San Anselmo
Peter Breen

San Rafael
Al Boro

Sausalito
Amy Belser

Tiburon
Alice Fredericks

County of Marin
Susan Adams
Hal Brown
Steve Kinsey
Charles McGlashan
Cynthia Murray

September 22, 2005

TO: Transportation Authority of Marin Commissioners

FROM: Dianne Steinhauser, Executive Director

RE: Waiver of Potential Conflict for Counsel – Agenda Item 5.b

Dear Commissioners:

At the June 23, 2005 TAM Board meeting, TAM entered into an agreement with the County of Marin for legal services. The Marin County Counsel's Office represents and advises both the County of Marin and TAM. From time to time, TAM will need representation and advice on matters that will involve the County. A potential conflict of interest arises from the fact that the County and TAM may have divergent interests on these matters.

The County Counsel's office requests that TAM provide the County Counsel's office with a conflict waiver to allow its office to represent both the interests of the County and TAM in future matters. The County Counsel's Office will seek a similar conflict waiver from the County Board of Supervisors.

Assuming that all parties agree to the waiver, County Counsel's office will establish an ethical wall so that the attorney representing the County and the attorney representing TAM will not share any attorney-client confidential information with each other.

Recommendation

Staff recommends that the Commission approve County Counsel's request for a waiver of potential conflict, and authorize the Chair's signature on the attached letter.

Making the Most of Marin County Transportation Dollars



P.O. Box 4186
San Rafael
California 94913-4186

Phone: 415/499-6570
Fax: 415/499-3799

www.marintraffic.org

Belvedere
Jerry Butler

Corte Madera
Melissa Gill

Fairfax
Lew Tremaine

Larkspur
Joan Lundstrom

Mill Valley
Dick Swanson

Novato
Pat Eklund

Ross
Jeanne Barr

San Anselmo
Peter Breen

San Rafael
Al Boro

Sausalito
Amy Belser

Tiburon
Alice Fredericks

County of Marin
Susan Adams
Hal Brown
Steve Kinsey
Charles McGlashan
Cynthia Murray

Patrick K. Faulkner
Marin County Counsel
3501 Civic Center Drive, Suite 303
San Rafael, CA 94903

Re: Conflict of Interest - Waiver

Dear Mr. Faulkner:

TAM has entered into an agreement with the County of Marin for legal services. Those legal services are to be provided by your office. Your office also represents the County of Marin and you have requested that TAM provide a written waiver of a potential conflict of interest due to said joint representation.

TAM has been advised that the County Counsel's Office will establish an ethical wall so that the attorney representing TAM will not share any attorney-client confidential information with the attorney representing the County. Nonetheless, TAM understands that there may exist a potential conflict and, understanding the consequences of any potential conflict, hereby waives any potential conflict of interest and requests that the Marin County Counsel's Office provide legal services to it.

Transportation Authority of Marin

By: _____
Steve Kinsey, Chair

Date: _____